

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

MARCUS MIAL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:11-cv-921
	)	
JENNIFER A. SHERIN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFF'S VOIR DIRE QUESTIONS**

COMES NOW, the Plaintiff, Marcus Mial, by counsel, and pursuant to Local Civil Rule 51, does hereby file his voir dire questions, as follows:

1. Everyone who speaks and understands English, please raise your right hand.
2. Everyone who can hear me, please raise your right hand.
3. Is anyone taking any medication that affects their ability to concentrate or stay awake?
4. Does anyone have any philosophical, moral, or religious beliefs that would cause them to be unable to sit in judgment of others?
5. Do you know or are you related by blood or marriage to either the Plaintiff or the Defendants?
6. Have you ever been an employee or agent of the Plaintiff?
7. Have you ever been an employee or agent of the Loudoun County Sheriff's Office?
8. Have you ever worked in any capacity for law enforcement?

9. Is anyone friends with, or related to someone who has worked in any capacity for law enforcement?

10. If so, what is the nature of your relationship with that person? Have you had any conversations with them about law enforcement? Are you sympathetic to law enforcement as a result of that relationship?

11. Would you be more likely to believe the statements of a police officer over those of the Plaintiff or one of his witnesses simply because the statements were made by a police officer?

12. Are you more likely to believe a law enforcement officer over the Plaintiff?

13. Are you a friend, client, or former client of either the attorney for the Plaintiff or the attorney for the Defendants?

14. Does anyone not like lawyers?

15. I am loud, will that offend?

16. During the course of the trial, both attorneys may make a series of objections, will it bother you if one side makes more objections than the other?

17. Will anyone hold it against one side if they object?

18. Will you hold it against one side if they object repeatedly?

19. Have you acquired any information about this case, the Plaintiff, or the Defendants from any news media or other resource?

20. If so, do you believe that such information will affect your impartiality in this case?

21. Do you know of any bias or prejudice you might have against any of the parties in this case or their attorneys?

22. Do you know of any reason whatsoever why you could not give a fair and impartial trial to the Plaintiff and the Defendants in this case?

23. Have you ever studied law or worked in a law office?

24. Have you ever worked as a lawyer or paralegal?

25. Are you friends with or related to anyone who has worked in a law office or as a lawyer or paralegal?

26. Does anyone work for the government?

27. Is anyone friends with or related to someone who works for the government?

28. Has that experience changed your perspective of government employees?

29. Would you be more likely to believe a government employee over a non-government employee?

30. Have you ever been involved in a lawsuit, either as a plaintiff, defendant, or witness?

31. If so, what kind of case (civil/criminal)? Were you successful? Does your experience affect your views?

32. Have you ever been arrested?

33. Has anyone ever been convicted of a felony?

34. Has anyone served on a jury before?

35. If so, was it a criminal or civil jury? Was a verdict reached?

36. Do you have any fiends or relatives who have been diagnosed with Post Traumatic Stress Disorder?

37. Have you ever studied medicine, psychiatry, or psychology?

38. Have you ever worked as a doctor or in a doctor's office?

39. Do you have any personal opinions or beliefs that would make it difficult for you to consider the opinions of a psychological expert regarding a mental or emotional injury?

40. Have you ever had a family member threaten to harm themselves with a weapon or attempt suicide?

41. Does everyone understand that the Plaintiff is only required to prove his claims against the Defendants by a mere preponderance of the evidence. Preponderance means just enough evidence to convince you that it is more likely that the fact alleged occurred than not. Does anyone feel that Plaintiff's burden in this case should be higher since the Defendants are law enforcement officers?

42. Who believes that police officers should know the law?

43. Raise your hand if you believe that the police are required to abide by the law and the Constitution.

44. Do you think that police officers must abide by the Constitution even if it conflicts with department procedures?

45. Do you think it is important for society to hold public officials accountable when they exercise power irresponsibly or recklessly?

46. Do you believe that if the police are found to have violated a law or the Constitution that they should not be held accountable? Do you think that they should be less accountable than a citizen? Do you believe a different standard should apply to officers on duty as opposed to other persons?

47. Raise your hand if you've seen footage of recent events involving interactions between police and citizens in places like Ferguson, Missouri; New York City; and Cleveland.

48. For those of you who have seen the coverage, has it created an opinion in you regarding police and citizen interactions generally that would cause you to naturally favor the law enforcement Defendants in this case?

49. This case involves four Caucasian police officers making warrantless entry in a home belonging to an African American male and making a forcible arrest without having previously witnessed a crime. Is there anything about this set of facts, in the abstract, that would make it difficult for you to listen to the evidence and render a fair decision in this case?

50. Does anyone feel that police officers should have some leeway to knowingly violate the Constitution when they think doing so is necessary to do their jobs?

51. Would you have any difficulty in finding liability if a police officer injured a citizen while the police officer violated the law?

52. If you found that a party was injured, would you have any difficulty in awarding monetary damages to compensate someone for that injury?

53. As a matter of principle, would you award millions of dollars against a police officer if the evidence supported it?

54. Does anyone feel that you cannot be injured emotionally or psychologically by a violent event?

55. Would you have any difficulty awarding monetary damages for an injury that was not physical in nature, such as emotional distress or a psychological injury?

56. Raise your hand if you believe that you have a right to refuse a police officer entry into your home if the officer doesn't have a warrant.

57. Does anyone think that by refusing a police officer's warrantless entry into your home, you are breaking the law?

58. Does anyone believe that the fact that a homeowner has called 911, alone, gives an officer sufficient justification to enter a home without a warrant?

59. Does everyone feel that an officer should investigate and corroborate the information from the 911 call prior to entering a home without a warrant?

60. Do you believe that an officer may enter a home without a warrant if the person who originally called 911 informs the 911 operator that an emergency no longer exists?

61. Do you believe that an officer may enter a home without a warrant if the person who originally calls 911 answers the door when officers arrive and informs them that an emergency no longer exists?

62. Do you believe that an officer may enter a home after responding to a 911 call and seeing no further evidence of an emergency or a possible crime?

63. Do you believe that the police have a right to enter your home if there is no emergency?

64. Do you think an officer can enter your home whenever they want?

65. Do you believe that a person doesn't have the right to complain about law enforcement officers to their face? Do you believe that such complaints in the presence of law enforcement, alone, justifies an entrance into a home without a warrant?

66. Do you believe that an individual has the right to refuse a police officer's request to enter his home?

67. Does everyone agree that a person who enters your home without permission or justification is a trespassor?

68. Does everyone agree that a law enforcement officer who enters your home without permission or justification is as much a trespassor as any other person?

69. Does everyone agree that, if a law enforcement officer has entered a home without permission or justification, a homeowner may use any lawful means to remove them just as they could any other trespassor?

70. Do you believe a person has the right to use a reasonable amount of force to defend his person?

71. Do you believe a person has the right to use a reasonable amount of force to defend his property?

72. Do you believe that a person has the right to use a reasonable amount of force to defend themselves if someone unlawfully uses force against them?

73. Do you believe that a person has the right to use a reasonable amount of force to defend themselves if a law enforcement officer unlawfully uses force against them.

74. Does anyone think that you give up any of your Constitutional rights by calling 911?

75. Does anyone believe officers should be unrestrained when they use force?

76. Do you believe that an officer should not resort to a taser if a lesser type of force is available and sufficient given the circumstance presented to the officer?

77. Should an officer be allowed to use force on a person if no crime is being committed?

78. Do you believe that an officer can do whatever it takes to arrest someone?

79. Do you think the severity of the offense should effect the amount of force that is reasonable?

80. Would you have any difficulty holding a police officer responsible for unlawfully arresting a person?

81. Would you possibly not hold an officer liable for excessive force even if you find that excessive force was used because you believe law enforcement officers should be excused a certain amount of excessive force?

82. Would you have any difficulty holding a police officer accountable for violating a person's Constitutional protection against unlawful searches?

83. Do you believe that an officer should be allowed to detain anyone for any reason?

84. Have you ever been shocked with a stun gun or Taser?

85. Would you have any difficulty finding liability if a police officer was found to have used excessive force against an unarmed citizen?

Respectfully submitted,

/s/ Thomas K. Plofchan, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this **16th day of March, 2015**, I will electronically file the foregoing PLAINTIFF'S VOIR DIRE QUESTIONS with the Clerk of this Court using the CM/ECF system, which will then send a notification of such filing to any filing user.

/s/ Thomas K. Plofchan, Jr.

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